



**Arizona Court of Appeals**

**Division Two**

**CourTools FY2009**

## **CourTools: An Introduction**

The Arizona Supreme Court established the Appellate CourTools Committee in 2008 to evaluate and recommend measures by which Arizona's appellate courts could track and improve performance using methodology developed by the National Center for State Courts. By tracking appeals, Arizona's appellate courts seek to improve their performance and provide accountability to the public.

The Committee selected four performance measures for Arizona's appellate courts to use in 2009: (1) Appellate Bar and Trial Bench Survey; (2) On-Time Case Processing; (3) Case Clearance; and (4) Age of Pending Caseload. An explanation of these measures and their results follow.

### **Surveys**

In 2009 the Committee administered an anonymous e-mail survey to attorney members of the Appellate Practice Section of the State Bar of Arizona, to a random list of attorneys who had appeared before Division Two within a designated time period, and to superior court judges and commissioners. The survey asked respondents to rate their agreement regarding statements about Division Two on a scale ranging from "strongly agree" to "undecided/unknown." One hundred seventy-two people responded to the survey.

More than 96% of respondents with an opinion strongly agreed or agreed both that Division Two renders its decisions without any improper outside influences, and that its written decisions treat trial court judges with courtesy and respect; 91% that Division Two effectively informs attorneys and trial judges of its procedures, operations, and activities; and 90% that decisions clearly inform trial courts and parties of what additional steps, if any, need to be taken.

Division Two is pleased to have more than 98% of the respondents agree that the court's long-standing policy of distributing draft decisions prepared by one judge of the panel aids counsel's preparation for oral argument. Also, more than 94% found Division Two's nationally-recognized electronic environment, including electronic filing of briefs and other documents, remote electronic access to the

trial court record, and electronic distribution of court decisions, notices, and orders, to be both helpful and easy to use. And 96% agreed that Division Two's Clerk's Office responds well to inquiries.

Complete Performance Measures Survey Results setting forth the percentage of respondents expressing an opinion who "strongly agree" or "agree" with statements regarding Division One are as follows:

### 2009 Trial Bench and Bar Survey Results

	Supreme Court	COA-Division One	COA-Division Two
Q01 - The [Court] resolves its cases expeditiously.	84.2% (176/209)	74.8% (155/207)	90.9% (151/166)
Q02 - The [Court] renders decisions without any improper outside influences.	93.5% (190/203)	93.3% (180/193)	96.1% (148/154)
Q03 - The [Court] considers each case based upon its facts and applicable law.	92.5% (198/214)	88.1% (185/210)	91.4% (149/163)
Q04 - The [Court]'s written decisions reflect thoughtful and fair evaluation of the parties' arguments.	91.5% (194/212)	83.4% (177/210)	86.8% (145/167)
Q05 - The [Court]'s written decisions clearly state the applicable legal principles that govern the decision.	94.8% (202/213)	86.2% (187/217)	90.6% (156/172)
Q06 - The [Court]'s written decisions clearly inform the trial courts and parties of what additional steps, if any, must be taken.	93.2% (193/207)	86.9% (179/206)	89.7% (140/156)
Q07 - The [Court]'s written decisions treat trial court judges with courtesy and respect.	98.1% (207/211)	94.3% (198/210)	96.4% (163/168)
Q08 - The [Court] treats attorneys with courtesy and respect.	98.4% (189/192)	95.3% (183/192)	93.5% (144/154)
Q09 - The [Court] is procedurally and economically accessible to the public and attorneys.	81.3% (144/177)	86% (154/179)	90.9% (130/143)
Q10 - The [Court] effectively informs attorneys and trial judges of its procedures, operations, and activities.	87.8% (181/206)	91.5% (183/200)	91.4% (139/152)

NOTE: Results indicate the percent of respondents who selected "Agree or Strongly Agree" and excludes all "Undecided or Unknown" responses.

## **2009 Trial Bench & Bar Survey Results Court Specific Questions**

<b>Arizona Supreme Court</b>	
The Arizona Supreme Court ensures the highest standards of professional conduct for lawyers and judges.	<b>93.7%</b> (196/209)
The Arizona Supreme Court effectively exercises its constitutional rule-making power.	<b>92.3%</b> (182/197)
The Arizona Supreme Court administers the judicial system effectively and efficiently.	<b>88.1%</b> (179/203)
<b>Arizona Court of Appeals-Division One</b>	
Division One's website is a useful tool.	<b>90.7%</b> (175/193)
Division One's Clerk's office responds well to inquiries.	<b>92.2%</b> (153/166)
It is useful to have memorandum decisions available for review on Division One's website and through Westlaw.	<b>91.9%</b> (192/209)
<b>Arizona Court of Appeals-Division Two</b>	
Division Two's technology systems, including electronic filing of briefs and other documents, remote electronic access to the trial record, and electronic distribution of court decisions and orders, are helpful and easy to use.	<b>94.4%</b> (137/145)
Division Two's distribution to counsel before oral argument of a draft decision prepared by one judge of the three judge panel to hear the case assists counsel's preparation for and conduct of the argument.	<b>98.4%</b> (127/129)
Division Two's Clerk's office responds well to inquiries.	<b>95.9%</b> (119/124)

NOTE: Results indicate the percent of respondents who selected "Agree or Strongly Agree" and excludes all "Undecided or Unknown" responses.

## **Time to Disposition**

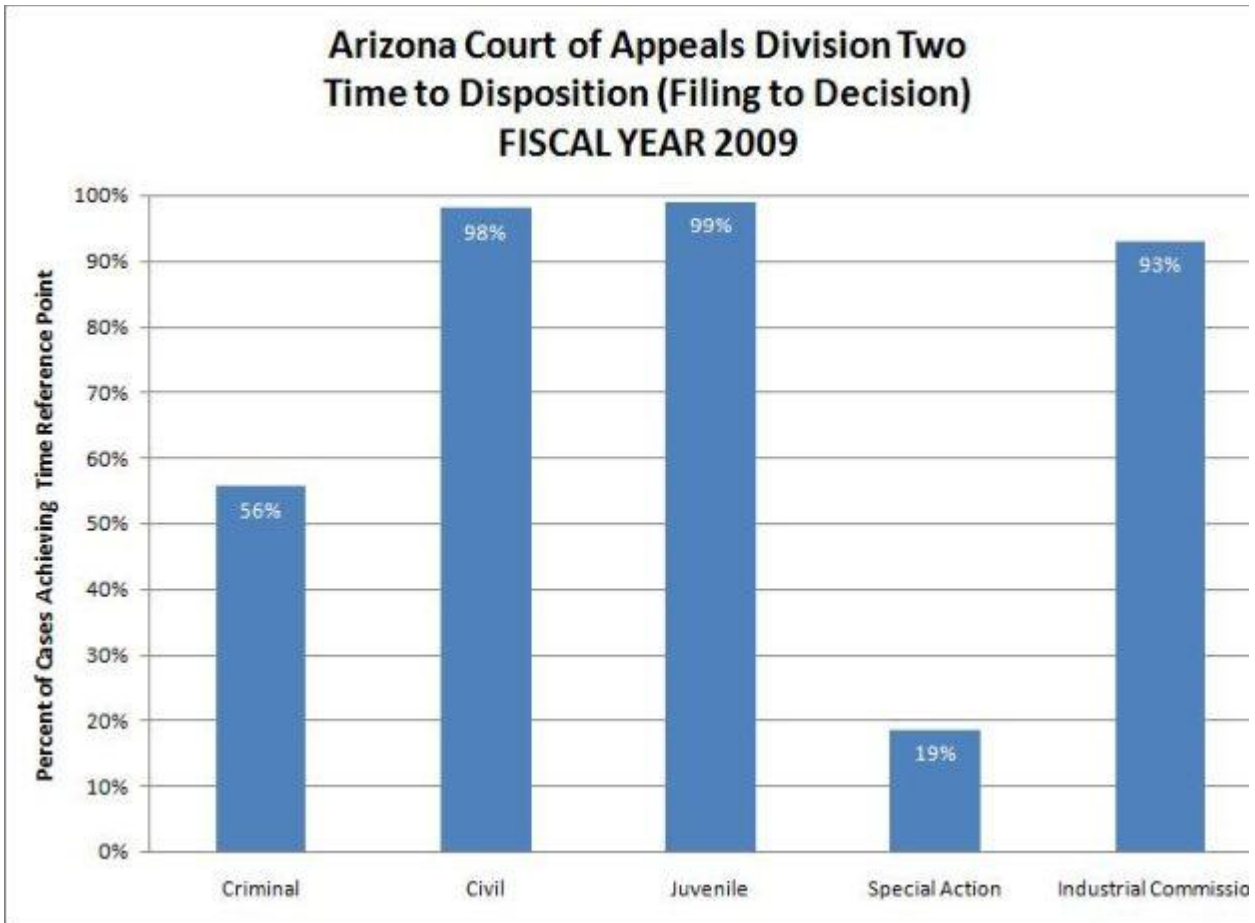
Time to Disposition measures the percentage of cases that reached a decision by a selected time reference point for the court's primary case types (civil, criminal, juvenile, special actions, and workers' compensation cases) during the court's fiscal year (July 1 – June 30). For purposes of reference points, the court selected periods of time in which approximately 75% of its cases in the various case types and stages were decided in the years prior to FY2009. The appellate courts will measure future results against the performance in FY2009 to determine the effects of changes in funding, personnel levels, and any procedural changes the court has undertaken in response to those results.

## **Filing-to-Disposition Measure**

The court selected the following number of days as time reference points for resolving cases measured from the day an appeal or special action is initiated by a party to the day a case is decided:

Criminal:	375 days
Civil:	400 days
Juvenile:	275 days
Special Actions ("SA"):	25 days
Workers' Compensation ("WC"):	300 days

In fiscal year 2009 ("FY2009"), the percentage of cases that met these reference points is as follows:



Arizona Court of Appeals, Division Two  
Time to Disposition (Filing to Disposition) Results for FY 2009

- Criminal: 56%
- Civil: 98%
- Juvenile: 99%
- Special Action: 19%
- Industrial Commission: 93%

There is a significant delay in case processing of criminal cases due to the failure of court reporters and counsel not filing transcripts and briefs in a timely fashion. After briefs are filed and the case is submitted for decision, Division Two decides the cases more efficiently than the time reference point, resulting in an increase in compliance with that point for final decision to 56%. Division Two is working to try to increase the number of transcripts and briefs filed on time.

The time reference point for special actions is based on the time in which Division One decided 75% of petitions for special action in prior years. This point does not correspond with Division Two's decision rate as each division employs a different mechanism for deciding special actions.

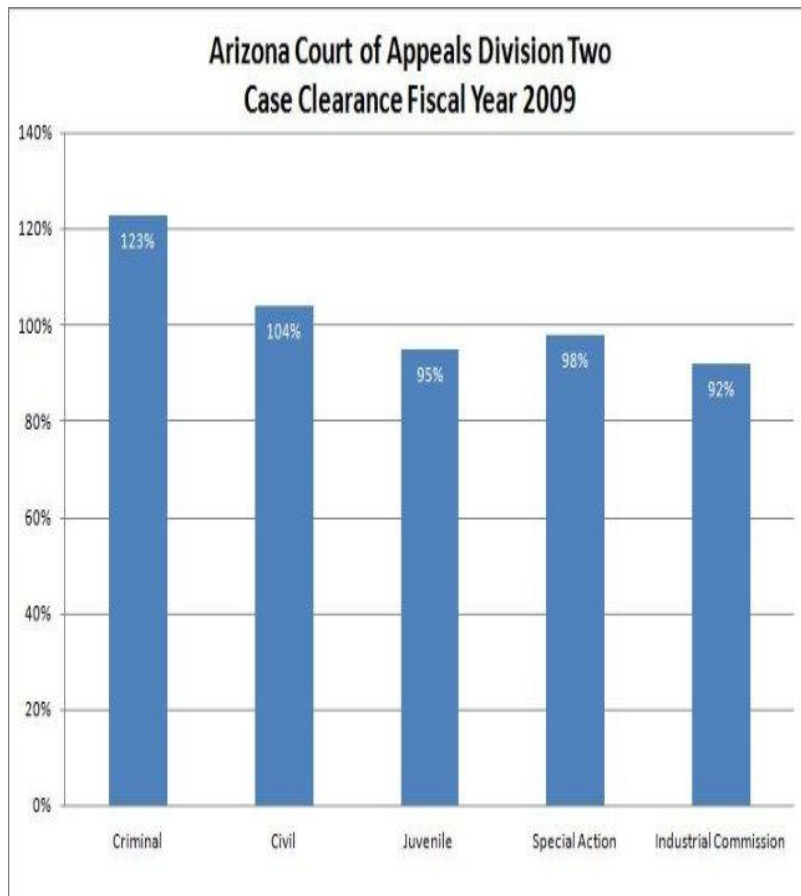


## Case Clearance

Case Clearance measures the number of decided cases in a fiscal year as a percentage of the number of new cases filed that year. The point of the measurement is to assess how efficiently the court is deciding older cases as it handles newly filed ones. The goal is to have a 100% clearance rate, which means the court decided at least the same number of cases as the number newly filed that year, and therefore the danger of a growing backlog of cases is minimized.

In FY2009, Division Two achieved the following case clearance rates:

Case Clearance Measurement  
2009 Results for Arizona Court of Appeals, Division Two



Arizona Court of Appeals Division Two Case Clearance Fiscal Year 2009
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| <ul style="list-style-type: none"><li>• Criminal: 123%</li><li>• Civil: 104%</li><li>• Juvenile 95%</li><li>• Special Action 98%</li><li>• Industrial Commission 92%</li></ul> |
|--|

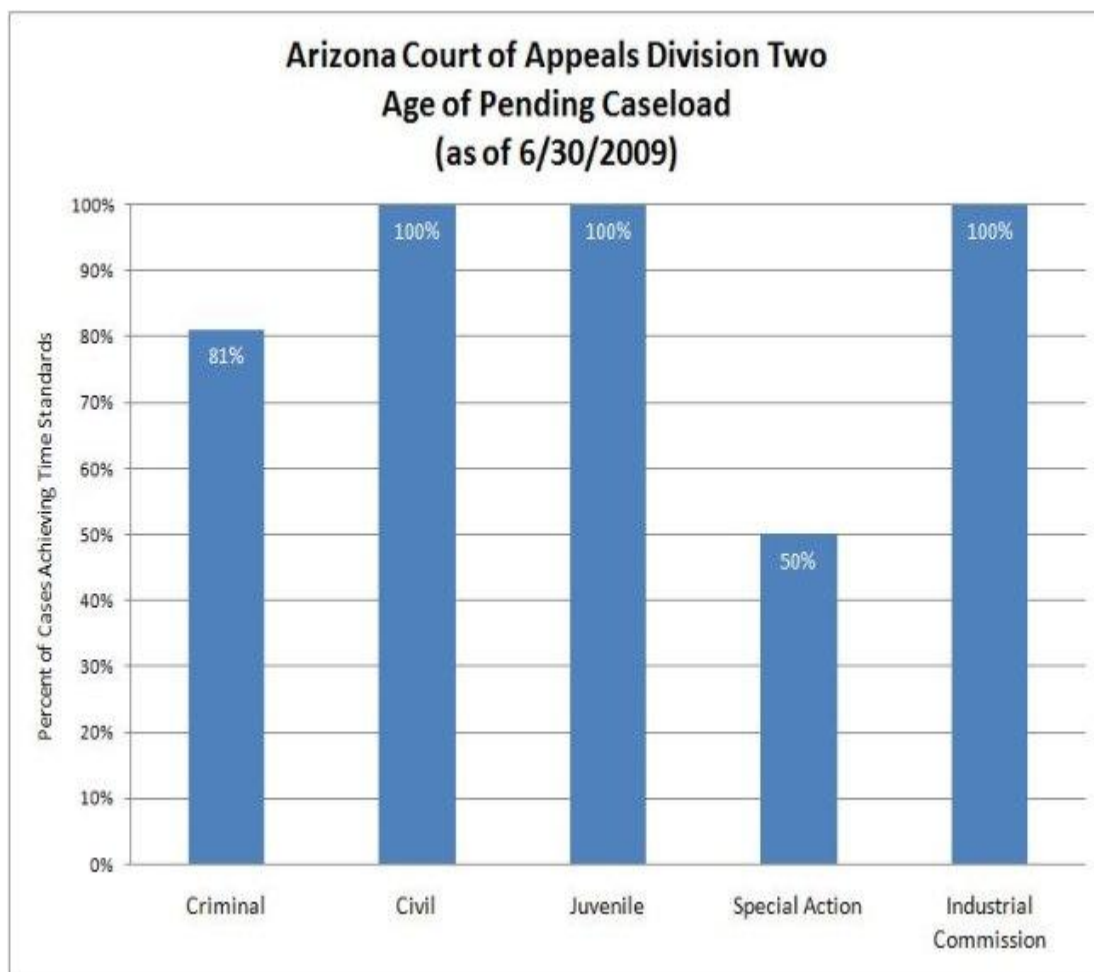
Overall, the Case Clearance measurement shows that in FY2009 Division Two substantially kept pace in all five case types.



## **Age of Pending Caseload**

The Age of Pending Caseload measurement applies to all cases pending but not decided in FY2009 and is intended to provide information about the age of Division Two's complement of cases. Specifically, the measurement calculates the percentage of cases pending at the end of a fiscal year that had not reached the time reference points identified for the Time to Disposition Measure described above.

The percentage of all cases pending at the end of FY2009 that had not reached the time reference points is as follows:



Arizona Court of Appeals Division Two Age of Pending Caseload, Fiscal Year 2009
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- |   |
|---|
| <ul style="list-style-type: none"><li>• Criminal: 81%</li><li>• Civil: 100%</li><li>• Juvenile 100%</li><li>• Special Action 50%</li><li>• Industrial Commission<br/>100%</li></ul> |
|---|

The Age of Pending Caseload measurement shows that at the end of FY2009, Division Two's pending cases were relatively young, as most had not yet reached their time reference points. As already noted, the 25-day time reference point for Special Actions was based on Division One's procedure and does not correspond with Division Two's.

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